

No. 17-71353

IN THE
**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

and

**INTERNATIONAL UNION OF PAINTERS AND ALLIED
TRADES, DISTRICT COUNCIL 15, LOCAL 159, AFL-CIO,**

Intervenor,

v.

CAESARS ENTERTAINMENT D/B/A RIO ALL-SUITES HOTEL AND CASINO

Respondent.

ON APPLICATION FOR ENFORCEMENT OF AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD
CASE No. 28-CA-060841

**MOTION TO EXTEND TIME
FOR FILING RESPONDENT'S OPENING BRIEF**

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CAESARS ENTERTAINMENT D/B/A RIO ALL-SUITES HOTEL AND CASINO

Pursuant to Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rule 31-2.2(b), Respondent Caesars Entertainment d/b/a Rio All-Suites Hotel and Casino (“Respondent”) hereby moves for an extension of time within which to file its Opening Brief. Respondent’s Opening Brief is currently due on January 2, 2017. Respondent respectfully requests that the deadline for filing the brief be extended by thirty days. Petitioner, the National Labor Relations Board (“Board” or “NLRB”), does not oppose this request for an extension of time. Intervenor, International Union of Painters and Allied Trades, District Council 15, Local 159, AFL CIO, opposes an extension that exceeds twenty-one days.

This is Respondent’s second request for an extension of time to file its Opening Brief under the Court’s Order issued on November 14, 2017. Respondent’s Opening Brief originally was due on July 31, 2017. Under the original briefing schedule, Respondent received a streamlined extension of thirty days and filed a motion to dismiss for lack of jurisdiction in the interim. Under the Court’s Order of November 14, 2017, Respondent’s motion to dismiss for lack of jurisdiction was denied without prejudice to renewing the arguments in the answering brief. In the same Order, the Court set a new briefing schedule, and assigned a due date of December 15, 2017 for Respondent’s Opening Brief. Respondent then requested an unopposed extension to January 2, 2017, which was granted. Since then, Respondent has been working diligently on its Opening Brief.

After the new briefing schedule issued, the Board issued its decision in *The Boeing Company*, slip. op. (NLRB Dec. 14, 2017), which called into question a significant portion of the case. In light of the *Boeing* decision, Respondent requested the Board's position on the instant enforcement application. The Board indicated that, potentially, it would not state its position until after the deadline for filing the Opening Brief in this matter and recommended that the parties seek an unopposed thirty-day extension. This extension is therefore necessary to avoid duplicative or unnecessary briefing pending the Board's position statement.

This motion is made in good faith and not for the purpose of delay. The additional time requested will allow Respondent to complete and file the Opening Brief after the Board makes its position statement regarding the effect of the *Boeing* decision on the pending application. The court reporter is not in default with regard to any designated transcripts. Accordingly, for the reasons stated herein, Respondent respectfully requests that this motion be granted and that the due date for filing its response brief be extended by thirty days.

Respectfully submitted,
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Dated: December 19, 2017

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